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May 6, 1981

INTERAGENCY

The Honorable Mike Morales
Arizona House of Representatives
State Capitol, House Wing
Phoenix, Arizona 85007

Re: I81-061 (R81-070)

Dear Representative Morales:

In your letter dated May 1, 1981, you requested an opinion with respect to the status of Chapter 266, Laws of 1981 (35th Legislature, First Regular Session), formerly Senate Bill 1034. Briefly, this bill, as passed by the Legislature, extended the fifty-five mile per hour speed limit until 1982. However, the version of Senate Bill 1034, presented to and signed by the Governor, referred, on line 7, to the year 1983 as the date of extension. Inasmuch as the version signed by the Governor and filed with the Secretary of State differed from that passed by the Legislature, the question is whether Senate Bill 1034 may legally be corrected to reflect the date passed by the Legislature. In our opinion, the correction is not only authorized, but indeed is required, by law.

Pursuant to A.R.S. § 41-1304.01.4, the Director of the Arizona Legislative Council is mandated to provide for "[t]he preparation, arranging and correlation for publication, at the end of each legislative session, of the laws enacted during the session." In carrying out this duty, the Director is authorized, by A.R.S. § 41-1304.02, to "correct manifest clerical or typographical errors." The inadvertent insertion into the bill of 1983 instead of 1982 qualifies as a manifest clerical error, capable of correction by the Director.

The Legislature and the Governor both agree that the bill passed by the Legislature contained the 1982 date and that the 1983 date was inserted due to a clerical error. In Kostelnak v. Retirement Bd, 84 Ill. App.3d 616, 405 N.E.2d 1170 (1980), the court recognized a date discrepancy between the bill passed by the Legislature (which stated 1967) and the version signed by the Governor (which read 1976) as a clerical

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error and ordered the legislative version to be deemed the correct version. See also State v. Hanson, 81 Ida. 403, 342 P.2d 706 (1959) and cases cited therein; State v. Wright, 62 Wyo. 112, 163 P.2d 190 (1945); Rice v. Lonoke-Cabot Road Improvement Dist. No. 11, 142 Ark. 454, 221 S.W. 179 (1920).

Because there exists ample documentation of what constitutes the proper wording of the bill and all parties are in agreement on this issue, we are of the opinion that the Director of the Legislative Council is authorized, pursuant to A.R.S. § 41-1304.01 and 1304.02, to correct the manifest clerical error by changing the date on line 7 of Chapter 266, Laws of 1981 (35th Legislature, First Regular Session) from 1983 to 1982.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:eb